

**REPORT TO: COUNCIL**

**MEETING DATE: THURSDAY 22 MARCH 2018**

**FROM: DEMOCRATIC SUPPORT MANAGER  
JACKIE EVANS**

**SUBJECT: REPRESENTATION REVIEW**

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## **1.0 SUMMARY**

- 1.1 The purpose of this report is for the Council to resolve upon its representation arrangements for the Hastings District for the local government elections to be held in October 2019.
- 1,2 This report will cover Council resolutions, the legislation provisions, the Local Government Commission Guidelines and the process and considerations of the Representation Review Subcommittee established by the Council.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.4 The report concludes by recommending that the information be received and puts to the Council for consideration recommendations on representation arrangements for the 2019 local government elections.

## **2.0 BACKGROUND**

- 2.1 The Council must conduct a complete review of representation (including community boards) and finish that review before 31 August 2018 to meet the statutory deadlines for the 2019 elections.
- 2.2 The Council last reviewed its representation, including community boards, prior to the 2013 elections. Under the Local Electoral Act 2001, the Council is required to review its representation only every second election, but may review it every election if it so wishes.
- 2.3 On 28 September 2017 the Council resolved to consider all the relevant issues under the Local Electoral Act and instructed the Chief Executive to develop a proposal or proposals for consideration by the Council. Council indicated that it wished to be involved at each stage through workshops and regular reports to Council
- 2.4 The review has proceeded under the provisions of the Local Electoral Act 2001 ("the Act").

2.5 The Act establishes the following principles:

- (a) *“Fair and effective representation for individuals and communities.*
- (b) *All qualified persons have a reasonable and equal opportunity to –*
  - (i) *cast an informed vote:*
  - (ii) *nominate 1 or more candidates:*
  - (iii) *accept nominations as a candidate:*
- (c) *Public confidence in, and public understanding of, local electoral processes through:*
  - (i) *the provision of a regular election cycle:*
  - (ii) *the provision of elections that are managed independently from the elected body:*
  - (iii) *protection of the freedom of choice of voters and the secrecy of the vote:*
  - (iv) *the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes:*
  - (v) *the provision of impartial mechanisms for resolving disputed elections and polls”.*

**Preconsultation**

- 2.6 A workshop was held on 6 September 2017, which set out the scope of the representation review, and stressed the importance of council and community engagement in the development of the proposals. Officers have worked in accordance with the guidelines for representation reviews prepared by the Local Government Commission. These guidelines are very detailed and cover a large number of matters including the desirability of pre-consultation.
- 2.7 The workshop held on 6 September also considered the scope of the pre-consultation which included current satisfaction levels with the number of Councillors, views on representation arrangements, ward structure and communities of interest, community boards and the level of support for Maori Wards from 2022.
- 2.8 The Council commissioned its pre-consultation through the Citizen’s Panel and advertised through facebook and the Council’s webpage for 6 weeks from 29 September – 16 November 2018. 353 responses were received and the results of the pre-consultation were presented to all Councillors at full Council on 14 December 2017.
- 2.9 The purpose of the consultation was to gather information on:
  - Level of satisfaction with current arrangements

- What distinct communities make up Hastings District
- Equality of current representation arrangements (are there areas which are under or over represented)
- Ward or At Large representatives (or a mixture)?
- Overall number of Councillors
- Community Boards (whether or not to have them, number and composition)
- Views on the introduction of Maori wards from 2022.

2.10 The headline results were:

- 80% of the respondents are satisfied or very satisfied with the Council's current representation arrangements
- Geo location is the most important factor for 'communities of interest'
- Only 26% of respondents thought that all parts of the District were **NOT** equally represented.
- 43% of respondents favoured councillors to be elected by ward, whilst 35% favoured a mix of ward and at large. Only 16% favoured at large councillor election.
- 70% of respondents wanted no change to ward boundaries.
- General satisfaction with the current representation arrangements - 62% of respondents felt that the current size of the Council was about right, with 76% of respondents opting for 10 - 14 Councillors.
- 41% of respondents favoured community boards – 32% against.
- 75% of respondents were not in favour of the introduction of Maori wards from 2022.

2.11 The survey was self-selected and cannot be regarded as completely representative of the whole community. However, it does provide an indication that there is general satisfaction with the current size and representation arrangements of the Council.

2.12 In addition 5 consultation meetings were held in the rural community. At these meetings there was unanimous support for the retention of the Rural Community Board.

**Guidelines for undertaking a Representation Review**

2.13 The guidelines identify the three key factors "that must be carefully considered by local authorities when determining their representation proposals", namely:

- communities of interest
- effective representation of communities of interest

- fair representation of electors
- 2.12 The term “communities of interest” is not defined in the Local Electoral Act. However, the guidelines to assist local authorities in undertaking representation reviews identify three dimensions for recognising communities of interest:
- perceptual: a sense of belonging to an area or locality
  - functional: the ability to meet the community’s requirement for services
  - political: the ability to represent the interests and reconcile conflicts of the community.
- 2.13 The guidelines also note, with respect to the review, that “communities of interest may alter over time. Local authorities need to give careful attention to identifying current communities of interest.”
- 2.14 Achievement of effective representation requires consideration of the identified communities of interest and the extent that these are geographically distinct and warrant specific representation.
- 2.15 The fundamental determinant of “fair representation” is population equality. The Act states that for territorial authorities ward populations and the populations of subdivisions of a community must not vary by more than plus or minus 10% in terms of the population per councillor (“the plus/minus 10% rule”).
- 2.16 The guidelines summarise the **best practice** process for representation reviews, and suggest a 6-step process:
- Step 1 – Identify criteria for assessing need for review after three years.
  - Step 2 – Consider preliminary consultation.
  - Step 3 – Identify communities of interest.
  - Step 4 – Determine effective representation for identified communities of interest of the district.
  - Step 5 – Consider fairness of representation for electors of wards.
  - Step 6 – Consider communities and community boards.
- 2.17 The practical outcomes that need to emerge from the process of the review were:
- the number of councillors (between 5 and 29 excluding the Mayor)
  - whether the councillors would be elected “at large” or in wards or a combination of those two

- the names and boundaries of any wards
- if wards were used, the number of councillors per ward
- whether would be any communities and community boards
- the detailed representation arrangements for each community board (names, boundaries, number of members and any subdivisions of the community)

### 3.0 CURRENT SITUATION

- 3.1 Following formal consideration of the pre-consultation by Council on 14 December 2017 it was resolved:

*That following Council's community pre-consultation, the preference is for the status quo and that minor work be undertaken on mesh blocks, as needed, to be presented to Council for consideration by the end of March 2018.*

- 3.1 Statistics New Zealand has provided the Council with 2017 population estimates to mesh block level. These are the most up to date figures available until the release of the 2018 census data which will not be available until after the deadline for completion of this representation review.
- 3.2 The latest 2017 population estimates for Hastings District broken down to meshblock level on the current ward structure is as follows:

Ward	Population	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	Percentage deviation from district average population per councillor
Hastings-Havelock North	44,230	8	5,529	-175	-3.07%
Flaxmere	11,020	2	5,510	-194	-3.39%
Heretaunga	12,670	2	6,335	631	11.07%
Mohaka	5,700	1	5,700	-4	-0.06%
Kahuranaki	6,230	1	6,230	526	9.23%
<b>Totals</b>	<b>79,850</b>	<b>14</b>	<b>5,704</b>		

With the exception of Heretaunga, under the current boundaries all the wards remain within the +/-10% rule. The population growth in Heretaunga and Kahuranaki is due in part to greenfield development, and rural residential development on the fringes of Hastings and Havelock North. These communities tend to identify with the urban centres as their communities of interest. During the recent byelection, several comments were received from

electors in these areas querying why they did not have an opportunity to vote for Hastings Havelock ward.

### Hastings/Havelock North

- 3.5 As part of the assessment of options, consideration has been given to the 2012 Representation Review determination by the Local Government Commission to combine Havelock North Ward to Hastings Ward as one ward with two distinct and separate parts as the only viable choice to retain distinct urban and rural communities of interest. Whilst it was an unusual approach which had not been adopted elsewhere it is not precluded in the Local Electoral Act. The determination stated that as Hastings and Havelock North were only minutes apart on a high quality road, such an approach was appropriate given the commonality of their urban communities of interest.
- 3.6 In order to achieve fair representation, Havelock North cannot be seen as to be separate ward with the current overall numbers of councillors. See table below:

Ward	Population	Population after Ward adjustment	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	Percentage deviation from district average population per councillor
Hastings	31,290	32,640	6	5,440	-264	-4.62%
<b>Havelock North</b>	<b>12,940</b>	<b>13,320</b>	<b>2</b>	<b>6,660</b>	<b>956</b>	<b>16.77%</b>
Flaxmere	11,020	11,020	2	5,510	-194	-3.39%
Heretaunga	12,670	11,220	2	5,610	-94	-1.64%
Mohaka	5,700	5,700	1	5,700	-4	-0.06%
Kahuranaki	6,230	5,950	1	5,950	246	4.32%
<b>Totals</b>	<b>79,850</b>	<b>79,850</b>	<b>14</b>	<b>5,704</b>		

- 3.7 Another alternative explored was to create one continuous boundary for Hastings Havelock North Ward (**see Attachment 5**) It is a statistical possibility with the current overall numbers of councillors (14) to achieve fair representation – see table below:-

Ward	Population	Population after Ward adjustment	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	Percentage deviation from district average population per councillor
Hastings- Havelock North	44,230	46,490	8	5,811	108	1.89%
Flaxmere	11,020	11,020	2	5,510	-194	-3.39%
Heretaunga	12,670	10,660	2	5,330	-374	-6.55%
Mohaka	5,700	5,700	1	5,700	-4	-0.06%
Kahuranaki	6,230	5,980	1	5,980	276	4.85%
<b>Totals</b>	<b>79,850</b>	<b>79,850</b>	<b>14</b>	<b>5,704</b>		

However, this boundary configuration is not recommended because of the impact on Heretaunga ward, the integrity of the greenbelt surrounding the urban areas and maintaining rural communities of interest.

- 3.7 This representation arrangements approved for the 2013 election have worked effectively over the past five years, with the 8 urban councillors representing the Hastings Havelock North ward working collectively. This has been particularly evident both during and following the Havelock North water contamination event, where strong community leadership and community engagement have been essential to rebuild civic confidence.

### Flaxmere

- 3.8 The special character of Flaxmere strongly identifies as a community of interest separate to the urban areas of Hastings and Havelock North. Flaxmere has a deprivation index score of 10 - the most deprived level on the index. Some indicative statistics from the 2013 census are set out in the table below:-

	Flaxmere	Hastings
Median Income <15 years	\$19,500	\$26,500
Home Ownership	53.4%	66.4%
Unemployment Rate	12.9%	6.9%

### Rural Wards and the Rural Community Boards

- 3.9 The motto on Hastings District Council coat of arms is *Urbis et Ruris Concordia* - Town and Country in Harmony. The rural ward councillors covering the extremely large and sparsely populated areas of the District are supported by the four elected members of the Rural Community Board.

- 3.10 With regard to community boards, the work of the Rural Community Board in representing the extensive rural areas of the District has been very successful, and this is evident by the community support expressed at consultation meetings. The pre-consultation exercise did not reveal a public appetite for the creation of more community boards in the urban areas. The creation of urban community boards was considered in detail and rejected by the Local Government Commission in 2013 because there was no evidence that the community had sought these boards. It is the officer view that this situation remains unchanged.
- 3.11 The table below shows the current representation arrangements for the Rural Community Board. The ward members for Kahuraniki and Mohaka wards are also members of the community board.

Subdivision	Population	Deviation from population average	Percentage deviation
Tutira	2,730	-253	-8.50%
Kaweka	2,970	-13	-0.40%
Maraekakaho	2,870	-113	-3.80%
Poukawa	3,360	377	12.60%
<b>Totals</b>	<b>11,930</b>	<b>Average = 2983</b>	

- 3.12 The Poukawa subdivision did not comply with the fair representation rule of +/- 10% rule, but was endorsed in 2012 by the Local Government Commission on the basis that the Community Board was seen to be working well.
- 3.13 In its assessment of options available, there has been a focus on community engagement and the ability of the Council to be fully responsive to community concerns. It was considered that this could best be achieved by maintaining the status quo and continuing to work at ward and Rural Community Board level with local communities on the current and proposed community plans and local initiatives identified in the Long Term Plan.



## 4.0 OPTIONS

### 4.1 Option 1 is set out below:-

Ward	Population	Population after Ward adjustment	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	Percentage deviation from district average population per councillor
Hastings-Havelock North	44,230	45,990	8	5,749	45	0.79%
Flaxmere	11,020	11,020	2	5,510	-194	-3.39%
Heretaunga	12,670	11,160	2	5,580	-124	-2.17%
Mohaka	5,700	5,700	1	5,700	-4	-0.06%
Kahuranaki	6,230	5,980	1	5,980	276	4.85%
<b>Totals</b>	<b>79,850</b>	<b>79,850</b>	<b>14</b>	<b>5,704</b>		

### 4.2 **Attachment 1** shows the proposed meshblock changes to Hastings Havelock North Ward, **Attachment 2** shows the proposed boundary changes to Hastings from Heretaunga, and **Attachment 3** shows the changes proposed to Havelock North from Heretaunga and Kahuranaki as detailed below:

*Lyndhurst (Meshblock 1471202) – Heretaunga to Hastings Havelock North (+850)*

Lyndhurst is a green field currently under development with the potential for over 300 residential units. It is currently within Heretaunga ward and on the outskirts of Hastings.

*Williams Street (Meshblock 1471401) – Heretaunga to Hastings Havelock North (+500)*

Northwood is another greenfield site which is in the process of being developed for residential dwellings and further extends the urban limit of Hastings City. 220 residential units are proposed for this area

*Howard Street (Meshblock 1472900) - Heretaunga to Hastings Havelock North (+60)*

Howard Street is a development on the edge of Hastings between Hastings and Havelock North – It is envisaged that there will be in the region of 260 residential units in this area.

*Iona – (Meshblocks 1465506 and 1465601) Heretaunga to Havelock North (+100)*

These meshblocks are also earmarked for residential development of 320 units which better identifies with the urban area of Havelock North.

*Te Mata Hills – Kahuraniki to Hastings Havelock North (+250)*

- 4.3 There has been a significant amount of rural residential development in this meshblock, and it is considered that the community of interest identifies with Havelock North rather than the rural settlements of Kahuraniki ward.

#### **Rural Community Board (Attachment 4)**

- 4.4 It is proposed to recommend that the Rural Community Board be retained and the Poukawa boundary be amended in line with the boundary changes proposed to Kahuraniki and Hastings Havelock North Ward. (See map at **Attachment 5**). This proposal brings Poukawa into the fair representation rule of +/- 10%.

The proposed representation model for the Rural Community Board is set out below:-

Subdivision	Population	Deviation from population average	Percentage deviation
Tutira	2,730	-190	-6.5%
Kaweka	2,970	50	1.7%
Maraekakaho	2,870	-50	-1.7%
Poukawa	3,110	190	6.5%
<b>Totals</b>	<b>11,680</b>	<b>Average = 2920</b>	

- 4.5 The option has been developed from the resolution of Council on 14 December 2017. The Rural Community Board was consulted on 5 March 2018 on the proposals outlined above, welcomed the proposed retention of the Rural Community Board and approved the proposed boundary changes to Poukawa subdivision which reflected the community of interest of the area.

- 4.6 Option 2 - Retain status quo.

#### **5.0 SIGNIFICANCE AND ENGAGEMENT**

- 5.1 Pre-consultation with the wider Hastings community has already taken place. The Council must resolve its representation arrangements by 31<sup>st</sup> August 2018.
- 5.2 The Council's decision then goes out for formal consultation through a public submission process.
- 5.3 There is a period of at least one month for submissions.

- 5.4 The Council must, within six weeks of the closing date, consider all submissions received, hearing those who have asked to be heard. The Council can amend its representation proposal after hearing submissions.
- 5.5 If there are no submissions on the initial proposal, that becomes the final proposal and is not subject to the Local Government Commission's jurisdiction.
- 5.6 Where submissions have been made, the Council's final proposal (whether amended or not) can be appealed by submitters and goes to the Local Government Commission for determination.
- 5.7 In addition, where the Council's final proposal is changed from the initial proposal, there is a further one month for objections, and the proposal, submissions and objections go to the Local Government Commission for determination.
- 5.8 The Local Government Commission will determine the Council's representation arrangements where there have been any submissions, appeals or objections and will probably hold a hearing in Hastings. The Commission must issue its determination on Hastings District representation arrangements on or before 10<sup>th</sup> April 2019.

## **6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 6.1 Best practice for the undertaking of representation review is set out in paragraph 2.16 above. The options must be evidence based, involve preconsultation, focus on communities of interest, community engagement effective and fair representation. The proposal developed above has incorporated all these factors.
- 6.2 Option 1 has been developed to meet the current and future needs of the District, and reflects the pre-consultation findings which indicated a relatively high level of satisfaction with current representation arrangements.
- 6.3 Option 2 is not recommended because it does not recognise the changing communities interest arising from greenfield development on the outskirts of Hastings and Havelock North. In addition, the 2017 population estimates for Heretaunga Ward and Poukawa subdivision exceed the +/- 10% rule fair representation rule.
- 6.4 As the changes proposed do not change the overall number of Councillor or Community Board there are no financial implications for governance or remuneration.

## **7.0 RECOMMENDATIONS AND REASONS**

- A) That the report of the Democratic Support Manager titled "Representation Review" dated 22/03/2018 be received.**

- B) That the Hastings District Council establish the following representation arrangements for the triennial election of the Hastings District Council to be held on Saturday 12 October 2019:**
- 1) That Hastings District as delineated on the plan attached (Attachments 6 and 7) to the report in (A) above be divided into five wards.**
  - 2) That those five wards shall be –**
    - a) Flaxmere**
    - b) Hastings/Havelock North**
    - c) Heretaunga**
    - d) Mohaka**
    - e) Kahuraniki**
  - 3) That the Council comprise the Mayor and fourteen Councillors elected as follows:**
    - a) Eight councillors elected by the electors of the Hastings/Havelock North Ward.**
    - b) Two councillors elected by the electors of the Flaxmere Ward.**
    - d) Two councillors elected by the electors of the Heretaunga Ward.**
    - e) One councillor elected by the electors of the Kahuraniki Ward.**
    - f) One councillor elected By the electors of Mohaka Ward.**
  - 4) That there be a Hastings District Rural Community as delineated on the plans (Attachment 8) to the report in (A) above comprising the area of the Rural Ward.**
  - 5) That the Hastings District Rural Community Board be subdivided into four for electoral purposes as indicated on the plan (Attachment 8) to the report at A) above.**
  - 6) That those four subdivisions be –**
    - a) The Tutira Subdivision**
    - b) The Kaweka Subdivision**
    - c) The Maraekakaho Subdivision**
    - d) The Poukawa Subdivision**
  - 7) That, as required by section 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards, communities and subdivisions coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand.**

- 8) That, as the ward boundaries coincide with community boundaries, the requirements of section 19T(c) of the Local Electoral Act 2001 are accordingly met.
- 9) That, as required by sections 19T(a) and 19W(b) of the Local Electoral Act 2001, the five wards and one community being created and the number of members of each ward and community and subdivision will provide effective representation of communities of interest within Hastings District because:
- a) The five wards represent the current significant and distinct communities of interest that the Council has identified within Hastings District, namely –  
  
Hastings/Havelock North  
Flaxmere  
Heretaunga Plains  
Kahuraniki  
Mohaka
  - b) The Rural Community Board and its four subdivisions outlined in 6) above provides fair and effective representation of the communities of interest of the vast and sparsely populated land area of Hastings District.
  - c) The retention of the number of councillors at fourteen will provide continuity and enable Council to continue to work effectively.

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for performance of regulatory functions in a way that is most cost-effective for households and business by:

- i) Ensuring that representation and governance arrangements are proportionate, fair, effective and reflect the communities of interest within the district

**Attachments:**

1	Proposed Ward Adjustments	CG-05-16-18-17
2	Proposed Havelock Changes	CG-05-16-18-18
3	Proposed Hastings Changes	CG-05-16-18-19
4	Proposed Poukawa Boundary Change	CG-05-16-18-16
5	Joining Hastings Havelock North	CG-05-16-18-21
6	Detailed Hastings District Ward Boundaries by Mesh block	CG-05-16-18-24
7	Entire Hastings District Ward Boundaries	CG-05-16-18-23

- 8 Rural Community Board Subdivision Boundaries by CG-05-16-18-22  
meshblock